

**OLYMPIC COUNCIL OF GOVERNMENTS
DBA OLYMPIC AREA AGENCY ON AGING
Clallam, Jefferson, Grays Harbor, And Pacific Counties, Washington
January 1, 1993 Through December 31, 1993**

Schedule Of Findings

1. The Olympic Council Of Governments Should Comply With The Open Public Meetings Act

The Olympic Council of Governments (COG) doing business as Olympic Area Agency on Aging adopted procedures which allow for the council to conduct meetings by mail. Section C-3 of the council's by-laws reads as follows:

- a. If a regular meeting or a conference call cannot be arranged, action may be taken through the mails.
- b. Area Agency staff will provide the COG members with background information on each item and the recommended action.
- c. Response may be either by mail or by a telephone poll.

On March 14, 1994, the COG conducted its meeting as a "meeting by mail." We believe this meeting did not comply with the Open Public Meetings Act.

Revised Code of Washington (RCW) 42.30.030 states:

All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

RCW 42.30.060 states in part:

(1) No governing body of a public agency shall adopt by any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. Any action taken at meetings failing to comply with the provisions of this subsection shall be null and void.

In holding "meetings by mail" the COG is denying the public its right to attend and participate in meetings.

The Council of Governments covers a large geographical area and it is difficult to get a majority of members present at the same time in one location.

We recommend the council comply with state statutes for open public meetings.

2. The Olympic Council Of Governments Should Have A Quorum At The Meetings To Vote On Formal Action

On March 8, 1994, the COG conducted a meeting at which only four of its eight members were represented. The first order of business was to pass a motion to conduct business with the four members present and to obtain the fifth vote necessary for a quorum through the mail.

In addition, there was not a quorum for the July 1993 meeting. The COG members present agreed to discuss the issues and vote. The executive director was instructed to call the remaining COG members and obtain their votes over the phone.

RCW 42.30.020, in defining "final action," states in part:

. . . collective positive or negative decision or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.
(Emphasis added.)

If a quorum is not present, the Council of Governments members may only hold a discussion meeting and they may not officially vote on any action. By conducting business when no quorum is present, the Council of Governments is not complying with the Open Public Meetings Act.

The Council of Governments covers a large geographical area and it is difficult to arrange a majority of its members present at the same time in one location. The Council of Governments is trying alternative forms of meetings to conduct business efficiently.

We recommend the Council of Governments cease taking final action at meetings when a quorum is not available.